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Buffalo Public Interest Law Program Annual Auction is Big Success

Auction organizers hope to offer a record number of public interest fellowships for the summer

By Rush Reid, '07

Every year the Buffalo Public Interest Law Program (BPLIP) holds an auction to raise money for their Summer Fellowship Program. During each summer, many law students try to learn the tools of their trade with law firms, large corporations, and single practitioners. Some students however go the extra mile and volunteer their time to public interest work—which is largely unpaid, as most public interest internship does not pay. This poses them a dilemma, how to provide legal help to segments of society that are often underserved?

Held at the Rich Renaissance Niagara Atrium, on Friday, February 28th, BPLIP designed the annual auction to address this problem, providing fellowships of about \$3,500.00 to help support students who otherwise would not be able to devote their time to public interest causes. The auction is a combination of live and silent items, all donated to the cause by local merchants, professors, and local residents. This year a good time was had by all! The Rich Atrium is a unique space in the heart of Buffalo, designed to resemble a main street of yesteryear, complete with "cobblestone" paths, a river and waterfall, "store fronts," and street-lights. The dim lighting combined with the decoration to create an elegant atmosphere for the auction.

The evening started as the attendees began to arrive and to enjoy the top-shelf libations and gourmet hors d'oeuvres. Soon, the elegantly dressed "customers" filled Main Street, strolling among the auction items and "shopping." This year the items included a hand-made pen and pencil set, a wine tasting with Professor Lucinda Finley, An Evening with Professor James Gardner and His Piano Stylings, Dinner with The Deans, and many other unique items. With final prices ranging from a few dollars for a bottle of wine, to hundreds of dollars for Bar/Bri Review Course coupons, there were many deals to be had. One lucky student found herself a high-bidder, winning a \$1600 corner fireplace for less than \$400!

Without question, the highlight of the evening was the live auction. Hosted by UB Law's very own Professor John Schlegel, BPLIP offered the big-ticket items for competitive bidding, pitting bidder against bidder. Schlegel! brought his, ahem, "unique" personality to the event (along with a stylish and authentic-looking auctioneer's hat), providing entertainment, driving prices higher, and putting the stuffed shirts at Sotheby's to shame. Using a mixture of good-natured badgering and blunt rhetoric, Schlegel! ordered the crowd into a bidding mood and they responded appreciatively. Happily, Schlegel! managed to take a large charity bureaucracy and make changes to it that he is fond of telling his students are not possible,



L to R: Ben Carlisle, Meredith Conner, '06 and Tara Pinkham, '06 enjoy some dessert at the Buffalo Public Interest Law Program Annual Auction

thus raising even more money for BPLIP.

The numbers are not in yet, but according to initial reports from BPLIP Executive Board members

Stephen Trynosky and Rob Middlemiss, the auction this year is likely to raise over \$25,000 dollars, well exceeding last year's total. This will allow BPLIP to fund more fellowships, and will provide students the opportunity to take on unpaid summer jobs in the public interest.



The Wireless Classroom:

Not all applaud Law School's Class Internet Policy

By Caroline Brancatella, '07

Laptops have revolutionized the way students learn the law. Cumbersome spiral notebooks and illegible scrawl have become a thing of the past. Computers should make the classroom experience more effective -- but like so many things in law, the addition of the internet may throw that theory right out the window.

For several years, University at Buffalo Law School has enjoyed wireless internet access. Students and faculty can research, write e-mails, and read online news from anywhere in O'Brien Hall and throughout the campus. The service is not actually that novel anymore. Routers make it easy to "Wi-Fi" a house or apartment and the City of Philadelphia hopes to have wireless access in all public venues by next year.

While internet anywhere, including classrooms, carries many points in the "pro" column, many faculty members are finding the "con" column pretty populated as well. Most laptop users will admit to the occasional e-mail check or glance at the headlines during a lecture, but some students fill their credit hours with internet activities like shoe shopping, endless games of Snood, and "Googling" ex-significant others.

There is also the arch-enemy of academic productivity everywhere: AOL's Instant Messenger (IM). The charms of IM are hard to ignore. Students can talk to the person sitting next to them or a friend half a world away, simply looking up occasionally to feign attention in the doctrine the professor is droning on about. Even handier is that students can IM the person on the "hot seat" answers to the questions the professor is grilling them with.

There are still those who avoid laptops, sometimes because the authentic experience of note taking is more affective for them, but also to specifically avoid the temptations of the Internet -- but they are diminishing in number.

Those who caved to the Internet's lure were bound to anger faculty members eventually. Many students returned to classes to find that, much like a teenager who discovers his parents have been "discussing" his behavior, some teachers are finding ways to bring all eyes back to the front of the room.

Asked what concerns had been expressed to her, Melinda Saran, Vice Dean for Student Affairs replied by e-mail that "Some students using laptops in class are not taking notes, but checking e-mail, surfing the net for non-course related material, chatting with other users and/or playing games. I have seen ample

evidence of these activities, even in bar review sessions where students put themselves at risk of failing (and some did fail) the bar exam for their inattentiveness."

Each member of the faculty is allowed to develop his or her own classroom policy regarding laptops and Professor Rebecca French is making use of that opportunity.

She feels that laptops keep her from seeing students' faces, especially those answering questions. But of greater concern were online distractions.

"The violations had really become flagrant," she said. "Sitting in the back of a class last semester I would say that 80 percent of the class was doing something else on their computers. I told Dean Olson 'I'm so sick of this, I can't even see the students and I can tell they're playing war games.'"

She says that Olson told her to think about the laptop issue and discuss it with students. "I was going to ban them and I'm all for that if I have to," said French. But in the end she decided it was not the best option.

Instead, her spring semester computer policy states that during weeks students are in a "question row," they may not use laptops of any kind. Otherwise, laptops are allowed, but with the assumption of risk. If someone is caught using the Internet recreationally she or he loses laptop privileges. Students have been warned that people will periodically monitor from the back of the room. Whether anyone does or not, no one knows. But the mere idea serves as a deterrent to most people.

"No talking head professor can compete with visual media," says French. "We are supposed to be informative, not interesting."

As others will also point out, French says that in a perfect world wireless internet would have an "on" and "off" switch in classrooms. But it's not there yet.

"We're not training you well as lawyers if we're allowing you to always avoid being bored," she says. "If you think professors are boring just wait until you have to listen to a judge, or a client who just wants to talk."

French can't say for sure whether the new policy is working, but is happy with her class' attention level thus far.

"Bottom line is that professors cannot compete with Google, games and online ordering -- and they shouldn't have to."



The Law School's Affordable Housing Clinic has secured \$5.6 million for creation of transitional housing in Niagara Falls. L to R: Kathleen Granchelli, law student Lisa Goodberry, E.J. Snyder and Melinda Grabowski, and George Hezel. See page 2 for full story.

THE OPINION

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Canada's Healthcare: What You Haven't Been Told

By Justin Nifong, '07

Canada's healthcare system has been hotly debated in the United States political landscape. We have all heard the political speech about the Canadian Healthcare system and the inequalities it reduces in comparison to the United States. We realize the theoretical benefits of a socialized healthcare system and providing healthcare to all people, regardless of their income or age, should be a goal of any political system and society. However, a closer look at the Canadian healthcare system reveals many troubling uncoverings, most notably notoriously long waiting periods, the lack of important services carried, and the flight of physicians into privatized healthcare systems.

A recent study by the Fraser Institute, entitled "Waiting Your Turn, Hospital Waiting Lists in Canada (14th Ed.)", released telling data on the wait times that Canadians face to see a physician. The most startling fact in the report shows that Canadians must wait 17.7 weeks to receive hospital treatment. The report further shows an exhaustive list of extensive waits for patients to see specialists for important and many times life threatening illness. For example, the wait for a gynecologist included 8.06 weeks to see a specialist and another 6.8 weeks afterwards to actually receive

treatment. For those people with joint and spine problems, they had a median wait of 13.8 weeks to see a specialist and another 24.1 weeks to actually receive treatment. For chemotherapy patients, the waits were 3.3 and 2.3 weeks respectively. In total, 3.52% of Canadians are sick and waiting on hospital treatment. This has many Canadians contemplating the benefits of a socialized healthcare system.

The damages of these long waits are real. During a one year time span of April 1, 1996 to March 31, 1997 in Ontario, 71 patients died while waiting for a coronary artery bypass, while another 121 were removed from the waiting list after it was determined that they were unfit for surgery and another went to another country where they could receive the bypass in a timely fashion.² These 71 dead patients would have better chances of survival in a more efficient system.

Currently, the Canadian government does not provide several important services including dental, optometrist and prescription medication. Due to this, most Canadians are involved in some form of private health insurance in addition to the government provided insurance.³ The employer, just like in the United States system, usually provides this insurance. This of course

disadvantages the unemployed or low paying who many times are not offered private health insurance through employment. This idea of "free" healthcare to all only extends so far.

Further compounding the long wait times in the Canadian healthcare system, a general trend exists where healthcare professionals are leaving the country in search of employment elsewhere. This "brain drain" is generally attributed to the lower salaries paid to highly skilled health employees along with employee dissatisfaction with the current system. Reports show that an astounding 100,000 physicians have left Canada in the 1990's alone.⁴

While there are certainly many societal benefits to the healthcare system in Canada, no system can operate problem free. Will these benefits outweigh the waiting time and physician flight problem in Canada? It is difficult to forecast, and will continue to be a debated topic.

Footnotes:

1. <http://www.fraserinstitute.ca/admin/books/chapterfiles/wyt2004.pdf#>
2. Steering Committee, Cardiac Care Network of Ontario. Cardiac Care Network of Ontario Statistical Reports for the Period April 1, 1996 - March 31, 1997. Toronto: The Network; 1997.
3. <http://www.canadian-healthcare.org/page4.html>
4. <http://www.canoe.ca>

Law School Clinic Helps People Secure Housing, Independence:

Affordable Housing Clinic assures \$150 million in housing financing during past 17 years

BUFFALO, N.Y. -- In a run-down section of city street in Niagara Falls, N.Y. -- flanked by abandoned homes and across from a shuttered hospital -- a dilapidated old dormitory for nurses is getting a new start as transitional housing for homeless women and their children.

The building's rehabilitation is being made possible, in large measure, by the efforts of University at Buffalo law students attracted to an unglamorous, roll-up-your-sleeves niche of law practice known as affordable housing, which focuses on helping nonprofit and community organizations obtain financing to create low-income and special needs housing.

"Affordable housing is for students looking for more substantial elements of law beyond the flash of litigation," explains law professor George Hezel, director of the UB Law School's Affordable Housing Clinic. "These students learn to negotiate sensitive issues, plan and advocate for people, which is really 90 percent of what lawyers do -- they don't spend all their time litigating."

When the refurbished four-story building is opened in August by the YWCA of Niagara, it will bring to \$150 million the amount of affordable-housing financing secured by students and faculty members through UB's Affordable Housing Clinic, says Hezel, who has run the clinic for 17 years.

"The trick of this project was securing about \$1 million in historic-preservation tax credits," Hezel explains. "Finding that million paid for amenities that the state Homeless Housing and Assistance Program and Division of Housing were reluctant to pay for. It lessened their burden and made the project doable."

In all, Hezel, clinic co-director Sara Faherty and UB law students secured \$5.6 million in financing for the YWCA project from a mix of tax credits and federal, state and city funding.

The 19-unit facility will be called Caroline's House in memory of Niagara Falls lawyer Caroline Van Schaik, killed in a car accident last year, who helped initiate the YWCA project.

In addition to one-, two- and three-bedroom suites, the new facility will contain a daycare center and a culinary-arts training center, which will prepare women for jobs in restaurants around and in a new casino, located just a few blocks from the facility.

"This is not just housing," says Kathleen Granchelli, executive director of the YWCA of Niagara, who has spearheaded the project. "The most important component is moving families from dependence to independence. They'll have all the support services they need, in one facility, to move on to the next phase of life with dignity."

"This has been an amazingly successful collaboration with the UB Law School and several other partners," Granchelli adds. "We had a vision, it didn't seem like it was going to happen at one point, but now it is. There's no other housing like this in the entire county."

Created in 1987, the UB clinic is the granddaddy of affordable housing clinics at U.S. law schools. Its national prominence is why the clinic was selected as the home base for the American Bar Association's Journal of Affordable Housing & Community Development Law.

Today there are about two dozen affordable-housing clinics in operation nationwide, but in the late '80s clinics at UB, Yale and Seton Hall University pioneered the field, championing a movement to bring practical work experience into the classroom, while providing students with meaningful ways to improve their communities. The UB Law School also offers several other clinics, including ones addressing family violence, the environment, elder law and securities law.

"UB's Affordable Housing clinic has long been recognized as an innovator and a leader, with a record of outstanding accomplishments," says Robert Solomon,

director of clinical studies at the Yale Law School. "I had the pleasure several years ago of visiting with the clinic and I was incredibly impressed and inspired by the clinic's work."

With the YWCA project nearly completed, the UB clinic is deeply involved in the "most challenging and ambitious project" in its history, according to Hezel. In partnership with the Buffalo City Mission, the UB clinic has secured \$9.3 million in financing for creation of a new three-story residence for women who have substance-abuse problems and their children. Construction of the 122-unit Cornerstone Manor Transitional Housing facility, to be located on the edge of the Buffalo Niagara Medical Campus (BNMC) on North Street in Buffalo, will begin in April and is slated to be completed 10 months later.

With its on-site medical, counseling and educational facilities, and its enclosed courtyard playground, the new facility will replace and significantly expand services offered at the current 60-unit Cornerstone Manor, where overcrowding is a recurring problem.

What's more, demolition of the outdated 60-unit facility -- located within the Buffalo Niagara Medical Campus -- will open the door to future development on the medical campus, which, in turn, spurs continued growth of Buffalo's emerging life-sciences industry, Hezel points out.

"I like that this project removes an obstacle to economic development in Buffalo, while providing something better for Cornerstone Manor and Buffalo City Mission," he says.

As a side benefit, notes Hezel, proceeds from the sale of the current manor to the BNMC -- along with a \$600,000 developers' fee earned by the UB clinic and donated to the mansion -- will contribute to the new facility's operating budget.

"Getting approval for this project involved a fairly sophisticated bit of persuasion," says Hezel, who personally pitched the project to state housing agencies in Albany. "It's taken a couple of years to put all the pieces together and convince the

political power in Western New York and Albany that this should be a priority."

"This project reflects the clinic's appetite for more and more interesting and difficult projects," he adds. "And it's a great teaching event for students."

For their part, UB law students are attracted to the clinic's work for practical and philosophical reasons. Some students like E.J. Snyder, '06, mainly enjoy the hands-on, problem-solving challenges of assembling complex financing packages; while other students like Melinda Grabowski and Lisa Goodberry, a former social worker, also enjoy helping people reach their goals.

"I'm thinking about affordable housing as a career," says Grabowski, who is senior editor of the Journal of Affordable Housing & Community Development Law. "I like figuring out methods for people to be able to afford what they envision as their goal."

Adds Goodberry, "I love the dynamics of it. I was searching for something in law that would make a difference in people's lives."

Because of the UB clinic's national reputation, many UB law graduates move easily into careers in affordable-housing practice with law firms and real-estate development companies throughout the state and around the country. UB Law School graduate Julia Solo, for example, is an associate at New York City's Nixon Peabody LLP, which has a large national affordable-housing practice, representing nonprofits, developers and investors.

"For me, studying law was only an option if I could use it to improve the status quo," Solo says. "Housing is very basic. If people can afford safe and sanitary housing, many other aspects of their lives can improve too. It's a building block to a better life, a better society."

Soon, the UB clinic may expand from affordable housing to other types of community development projects, Hezel says, He and his students are investigating development of a free medical center on Buffalo's East Side. -- UB Newswire.

OPINIONS & COMMENTARY

‘Blinded by the Right’: Conservative Propaganda

By Lora Como, '06

Many common forms of propaganda, exist, and we all use them. Card-stacking, hyperbole, rhetoric, testimonial are all forms of propaganda. When I thirst for them, I pick up a copy of the *Conservative Corner*. I recently accused the *Corner's* editor, of employing propaganda, rather than any sort of actual political or critical thought. Here is what I found at work in the first issue.

A good card stacker uses only those selected facts, true or false, which support the case. Supporting facts are emphasized, while damaging facts are ignored. The *Conservative Corner's* handling of the Iraq war is exhibit A. For example, in discussing the reasons for war in Iraq, the editor cited weapons inspector Butler's statement that it was prudent to assume that Saddam Hussein had weapons of mass destruction, and therefore, the Bush administration was justified in its invasion of Iraq. Yet he failed to account for the whole truth, which was that Hans Blix, who succeeded inspectors Butler and Ritter, stated there was no conclusive proof that Saddam still had weapons. Blix and the U.N. Security Council wanted more time to finish the job of inspections. The *Corner* conveniently ignored the damaging conclusions of Scott Ritter, Hans Blix and Joe Wilson, as of course did the Bushies. The fact that Hussein made serious overtures to the Bush Administration to allow inspections to continue, and that his son-in-law Hussein Kamal, who defected to Jordan in 1995, told the CIA, the UN, and M16 that all of Iraq's WMD's were destroyed under Saddam's orders in 1991, were also dismissed.

Next, the *Corner* deployed the smear, which is always effective. I pointed out Ritter's conclusions concerning the lack of WMD's in Iraq, which the *Corner* addressed, but then the editor said, "By the way, your (mine?) weapons inspector was arrested for, etc.." Indeed, Ritter had been arrested – in a sex sting – for which he received an ACD and a sealed record. The editor's point is that if Ritter wants to have sex with 14

year-olds, surely he must be lying to Congress in his WMD testimony. Here's what I wrote to Brian:

"You smear Ritter as an incredible pedophile, but how a leaked arrest with no conviction destroyed his credibility you fail to explain, especially given that Ritter was ultimately correct. I personally find the timing of the leak of Ritter's arrest *rather odd*, and it certainly is analogous to Joe Wilson's experience whom the CIA sent to Niger to investigate whether or not Saddam Hussein had indeed purchased yellowcake uranium. Wilson found no evidence to support this claim, and then wrote a damaging article about it in the *New York Times* titled "What I Didn't Find in Africa," on July 6, 2003, in which he said:

"Based on my experience with this administration in the months leading up to the war, I have little choice but to conclude that some of the intelligence related to Iraq's nuclear weapons program was twisted to exaggerate the Iraqi threat."

Two months later, on October 1, 2003, journalist Robert Novak "outed" his wife's identity as an agency operative, and wrote: "Two senior officials told me Wilson's wife suggested sending him to Niger." I find the fact that two men who opposed the Bush Administration's justifications for the war had highly damaging or top secret information leaked about them very suspicious.

The editor also claimed that September 11th brought the war to us, even though Bush admitted that Saddam Hussein played no role in 9/11. The editor implied that he did, but the only evidence for such a contention that I can find is Laurie Mylroie's *Study of Revenge: Saddam Hussein's Unfinished War Against America*. Here's what Pete Bergen writes about her on www.disinfopedia.com: "Mylroie became enamored of her theory that Saddam was the mastermind of a vast anti-U.S. terrorist conspiracy in the face of virtually all evidence and expert opinion to the contrary. In what amounts to the discovery of a unified field theory of terrorism, Mylroie

believes that Saddam was not only behind the '93 World Trade Center attack, but also every anti-American terrorist incident of the past decade, from the bombings of U.S. embassies in Kenya and Tanzania to the leveling of the federal building in Oklahoma City to September 11th itself. She is, in short, a crackpot . . . (and) her neocon friends who went on to run the war in Iraq believed her theories, bringing her in as a consultant at the Pentagon, and they seem to continue to entertain her eccentric belief that Saddam is the fount of the entire shadow war against America."

The editor further ignored the mound of evidence that suggested this administration's plan to topple Saddam long pre-dated September 11th. In his book, *Where the Right Went Wrong: How Neoconservatives Subverted the Reagan Revolution and Hijacked the Bush Presidency*, paleo-conservative Patrick Buchanan wrote, "Four years before 9/11, they had called for an invasion of Iraq. 9/11 would be a pretext for a war they had been devising for a decade." Zarqawi's presence in Iraq was immaterial, and there are guys like Zarqawi everywhere.

The editor also said that George Bush is not a neocons, he is a paleocon. Where are the facts to back this up? According to <http://usconservatives.about.com>, neocons "essentially believe in a strong, internationalist and interventionist foreign policy . . . and favor trying to spread democracy and human rights throughout the world, sometimes by force if necessary. These views are what separate them from . . . paleocons, who favor an isolationist foreign policy, such as what marked conservatives and Republicans before World War II." How George W. Bush can be called a paleocon because his foreign policy can be considered isolationist is a mystery, and "the neocon/paleocon split centers on the role of the United States in the world." Please explain.

The editor was also steadfast in Bush's educational funding record, and said that Dubya would "make college more affordable for countless Americans." Right. I asked him to square that with "Students to Bear More of the Cost of College" *The New York Times*, December 23, 2004, as well as with the Pell Grant studies conducted by the American Council on Education and the Advisory Committee on Student Financial Assistance which quoted Brian K. Fitzgerald, the director of the Advisory Committee on Student Financial Assistance, "at least ten years where there's been a significant reduction for this magnitude of students"? The Pell Grant budget was expanded to over 12 billion this year, but 80,000 fewer students will receive them. Furthermore, the Pell Grants of 25 years ago covered 80 percent of tuition at a public university; today, 40 percent. In short, they are a relative pittance and no longer make college "affordable" for "countless Americans." Besides, this is a liberal program, which Bush and the neocons would slash if they could.

Here's another example of card-stacking. In the first issue, the editor stated that Republicans do not want the government invading every aspect of one's life. I gave him four examples of areas where the Republicans have or seek to be intrusive in the lives of its citizens beyond any degree warranted. He replied, "I do not remember my article mentioning abortion, gay marriage, stem cell research, or Howard Stern . . ." That is because he is a classic card-stacker, and chose to ignore these areas of government intrusion because they did not support his argument. He then followed that up with some classic testimonial: "liberals [seek] to impose amorality." Could he kindly square that with the latest statistics which show that the state with the lowest divorce rate is the liberal bastion state of Massachusetts, and blue states have lower murder, divorce, and abortion rates across the board than do red states?

The editor's statement that "this country cannot afford to simply provide everyone full coverage starting tomorrow," is false. We can. According to the Physicians for a Nat'l Health Program, the elimination of the costs of paperwork alone would suffice. It states that the average office-based doctor employs 1.5 clerical staff and managerial staff – Canada 0.7 – spends 44% of gross income on overhead – Canada 34% – and devotes 134 hours annually to billing – Canada trivial amounts of time. According to Congress's General Accounting Office, a single payer program would save us 100 billion annually because it would obviate the need to determine eligibility for service, obtain prior approval, bill patients and fight insurers – enough to cover everyone with no increase in total spending.

LETTERS TO THE EDITOR

Conservative Corner Bantering

Dear Editor:

Riddle me this editor. What are conservatives, who claim to disdain "liberal giveaway programs," doing taking advantage of an education at a (secular) public university that survives on liberal giveaway money? (The editor of the *Corner* recently told me that borrowing money from the government to fund an education is not a liberal concept. He is dearly wrong on that score). Surely they must view an education as an "entitlement program," or is it because they do not want to put their monies where their collective cheeseburger receptacles are? Enlighten me.

Lora Como, '06
loraerin@yahoo.com

Dear Editor:

Before I address Mr. Buchanan's foreign policy arguments on page 7, I will respond to the letter an *Opinion* reader took the time to send in.

It is difficult to address a difference of opinion where the author of criticism possesses either a lack of capacity or lack of desire to touch on anything remotely substantive. From any objective point of view, the author seems irritated by my tone, which is condescending – no argument there. I can understand that, but... well, too bad. A periodical which quotes bigoted shrills like Anne "bomb the desert into glass to make it easier to take the oil" Coulter and James Dobson as its compelling authority for its arguments, is in a tenuous position to express its sanctimonious outrage at being criticized for what it is – a generally dubious publication, replete with bad facts and little support. I say "generally," because I am a fan of Jesse Baco's writing. I disagree with a number of his assessments, but I appreciate that he has put thought and research into his work, and you know, citations to back up his points.

Finally, I thought I would help out with a bit of advice: first, Google is your friend. Second, I can provide the names of some conservative students with whom I speak quite frequently.

Granted, they generally chuckle and/or roll their eyes when I suggest that they provide guest contributions to the *Conservative Corner*, but they make more than solid points on a wide variety of issues, and tend to back them up quite impressively. They can probably give the *Corner* a hand in attaining that ever-elusive credibility. Good luck.

Justin Whittaker, '06
Pysch_rock@yahoo.com

Shameless Self-Promotion

Dear Editor:

A new organization is trying to establish itself in the halls of UB Law School. Temporarily called the UB Law Death Penalty Project, the project seeks to provide awareness and education about issues involving capital punishment. Full disclosure: I'm the founder/obsessive-compulsive nut trying to get this thing off the ground and will use and abuse any forum I can. Good thing I'm a co-editor of *The Opinion*.

Some of things we will be doing is launching an awareness campaign in and around the law school of different emerging issues in capital punishment. In addition to working with the abolition movement, we will also be conducting legal research for the Kentucky Capital Post Conviction Unit on cases and issues which they will be litigating in the Spring and Summer. Based on the number of people interested in doing research, we may also be working with offices in other states that need help.

I would encourage anyone with an interest in abolition or reform of capital punishment to get in touch with us at mills5@buffalo.edu as soon as possible, as research assignments will be given out soon. Additionally, if anyone is interested but can't commit to doing research, we would still love to have you on board to organize and participate in the future events we are planning!

Jenny Mills, '06
Co-Editor, *The Opinion*
mills5@buffalo.edu

Liberals Cry, then Slander

By Brian Langenfeld, '05

Catchy title, huh? Lately, I have noticed a few articles in this publication attacking the Conservative Corner and Republicans/conservatives in general. While I would prefer to use the word debate, or offering an opposing view, I can not as these articles are nothing more than poorly constructed attacks. The articles exhibit typical liberal arguments. Instead of the author offering his own views or policy solutions, he chooses to namecall and slander. And of course, there is the usual Fox news argument. Is there ever a debate or article without that being used? Some creativity would be nice for a change.

All in all, I am disappointed with the articles; I was hoping for a better debate. At first I was not going to respond to the nonsense I read, but felt I should offer my two cents on the issue. Where do I begin?

The first article examines the *Conservative Corner's* supposed fiction. The author believes he has the inside scoop on what all conservatives believe. In the article, "Welcome from the Editor," there was no mention of the Republican Party platform. Rather, the section detailing Republican ideals was concerned with the ideology, not the party's platform. Those who consider themselves Republicans hold a variety of diverse views, but are united by certain principles. The author can quote the party platform to his heart's desire, but this is not necessarily consistent with all conservative values or makes his statements accurate. This is true of both parties; their platforms simply appeal to the majority of the party.

The author also asserts that Republicans "don't like homosexuals." I never knew this! Now that is a quality, well reasoned argument. Based on that assertion half (well over half as evident in the President's victory) the population

of the United States does not like homosexuals (even though there are Republicans homosexuals). And how do you argue with a statement like that? Surely there is empirical research to show all Republicans hate homosexuals.

Next, the statement that the No Child Left Behind increases educational standards is true ipso facto. The author questions where the authority for this statement derives. If he examined the act he would see this is exactly what it does. The question of whether it is properly funded and executed is a separate and valid issue. Trying to change the meaning of the statement is not and undermines the validity of the author's argument. I would have been happy to debate this point. The act is not being executed as it should to ensure all children receive the quality of education they should. To bad you have no desire to engage in the political discourse, but rather hide behind your column and name call.

The author ends his article by indicating Republicans believe in bigotry, extremism, fear, subversion of human rights, and the continued dismantling of international law. Is he serious? Which party boasts senators who were ex-Klan members and supporters of segregation, not to mention Senators who drive women off bridges? Republicans subvert human rights? Hardly. Extremism is found on both sides of the political spectrum. Do not think that liberals are exempt from this maxim.

Another article by the same author appeared in the February issue of this publication. The title, however, was completely misleading. It read "Why Conservatives Hate Freedom." Did anyone else notice the typo? We all know it is liberal extremists who hate freedom, not conservatives. I could spend pages detailing this truth. For starters, who opposed liberating the Iraqi people?

Who argued that elections in Afghanistan and Iraq would never happen? Who would be happy to impose a quasi-socialistic government here? Yep, you guessed it, liberals. And no, the title was not catchy, merely laughable if anything.

The majority of the article focuses on the Paycheck's Podium's "In Defense of Adam and Eve" from the *Conservative Corner*. The author bandies around the terms human rights, equal protection, and fundamental rights throughout his diatribe. Marriage is not a fundamental right. There is no mention of marriage in the Constitution or Bill of Rights. Limiting marriage to a man and women is not a violation of equal protection. Homosexual couples have the same rights and privileges as any other couple. This includes living together, leaving the other property, and every benefit that married couples have. I realize it is the typical liberal thing to do though, reading new rights in the Constitution as if they appeared out of thin air.

It is too bad the author is uninterested in engaging in well reasoned debate despite his assertion he seeks, "well thought out and serious presentations" of political debate. He adheres religiously to an opposing view point (see how I indicate this is a policy disagreement and don't resort to calling liberals cowardly, baby killing, tree-hugging hippies, like some have called Republicans bigots, subverters of human rights, etc.). The author promises to "shoot holes and burn down bridges leading to reconciliation." Now that is a statement of someone engaged in political discourse, willing to share his ideas and visions on creating a better America. Oh wait, it's not.

When starting the *Conservative Corner*, I realized that the views expressed therein would be contrary to the

majority of the law school community. I respect everyone's right to disagree with my views or those of other *Corner* writers. This is a simply policy disagreement. I had hoped those who respond, whether to our publication or others would have the courtesy to do so in a respectful, though out manner. Instead, there have been two articles attacking not solely the policies presented in the *Corner*, but the writers and Republicans in general. I implore you to write something original, in that I mean select a policy and discuss its merits. Character assassination is easy, attacking an argument's merits is more difficult and much more respectable. If not, there are always more travel stories to fall back on. —Brian Langenfeld is a 3L and Editor of the *Conservative Corner*. He can be reached at bd13@buffalo.edu.

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Baldy Center Sets Spring Semester Activities

BUFFALO, N.Y. -- The Baldy Center for Law and Social Policy at the Law School has announced a full schedule of events for the spring semester, including a visiting scholars series, a faculty seminar series and numerous workshops and conferences on a variety of topics.

All UB faculty, graduate students and law students are invited to attend. All events will be held in 545 O'Brien Hall, North Campus, unless otherwise indicated.

The Visiting Scholars Series will continue on April 14 with a presentation by Beth Simmons, Department of Political Science, Harvard University, on "International Law Compliance and Human Rights." The lecture, to be held from 3-5 p.m., will be cosponsored with the Political Science Graduate Student Association.

Kevin Boyle, Department of History, Ohio State University, and winner of the 2004 National Book Award for "Arc of Justice: A Saga of Race, Civil Rights and Murder in the Jazz Age," will speak from 2:30-4 p.m. April 25. His lecture, entitled "The Ossian Sweet Case and the Course of Civil Rights," will be cosponsored with the departments of African American Studies, American Studies, History and Sociology.

The Visiting Scholar Presentations will conclude on May 10 with a lecture by Pierre d'Argent, University of

Louvain, Belgium, on "Rethinking the Law of War." The presentation, scheduled from 12:30-2:30 p.m., will feature Mark Drumble of Washington & Lee Law School, and David Westbrook, professor in the UB Law School, as commentators.

The Faculty Seminar on Institutional Analysis of Law, Politics and Society will feature a lineup of distinguished speakers drawn from political science, sociology and law, as well as presentations of related works in progress by members of the UB faculty. All seminars will take place from 12:30-2 p.m. in 545 O'Brien Hall

The lineup:

- **March 11:** Mark Hurwitz, assistant professor, UB Department of Political Science, "Ideology and Deference in U.S. Courts of Appeals Decision Making on Administrative Law" Commentators: Barry Boyer and Errol Meidinger, both professors in the Law School.
- **March 25:** John Fabian Witt, Columbia Law School, visiting professor, Harvard Law School, "The Inevitability of Aggregate Settlement: An Institutional Account of American Tort Law." Lucinda Finley, UB professor of law and vice provost for faculty affairs, will serve as commen-

tator.

- **April 22:** William Simon, Columbia Law School, "Toyota Jurisprudence: Legal Theory and Rolling Rule Regimes." Commentators will be announced.
- **May 2:** Robert Granfield, associate professor, UB Department of Sociology "Institutionalizing Public Service in Law School: Preliminary Results on the Impact of Mandatory Pro Bono Programs." Commentators: Lynn Mather, UB professor of law and political science, and director, Baldy Center, and John Schlegel, professor, UB Law School.

The Baldy Center will present several conferences and workshops this semester on topics ranging from immigration after Sept. 11 to Buddhism and the law to modern histories of crime and punishment.

"Immigration Policy and Practice Post-9/11: Impacts, Historical Precedents and Future Directions" will be held from 1-5 p.m. April 15 in 545 O'Brien. Organized by Michael Lichter, assistant professor, Department of Sociology, and David Gerber, professor, Department of History, the workshop will examine whether immigration policies enacted in

the wake of the events of Sept. 11 represent a new direction in the American approach to immigrants and immigration. Participants will discuss the impact of these new policies and practices, particularly on Arabs and Muslims in the U.S., and what these developments mean for the future of targeted groups in America and, more broadly, of immigrants in the U.S.

Details still are being worked out for two late-spring events: a Buddhism and law conference set for June 9-11, and a workshop on "Modern Histories of Crime and Punishment," to be held June 11-12.

The Buddhism conference will follow up a similar event held last summer designed to begin work on creating a new sub-discipline in Buddhism and law. Both conferences are being organized by Rebecca French, professor, UB Law School, and David Engel, SUNY Distinguished Service Professor in the law school.

Marcus Dubber, professor and director, Buffalo Criminal Law Center, is organizing "Modern Histories of Crime and Punishment" with Lindsay Farmer of the University of Glasgow School of Law.

More details about these events, as well as other Baldy Center activities, may be found at <http://www.law.buffalo.edu/baldycenter/events.htm>. —UB Newswire

Gay Marriage is a Fundamental Right

By Lora Como, '06

In the latest issue of the *Conservative Corner*, Rooster Cockburn (are you in the face book?) wants me to explain why, or how, homosexual marriage is a constitutionally-protected, fundamental right. I ruffled Rooster with the sentiment that homosexual marriage, as a fundamental right, is a foregone conclusion. Rooster said that I had no substance on which to buoy this point, therefore it was mere opinion. My poorly constructed sentence led Rooster to misconstrue my original point, which was that conservatives do not consider the denial of the fundamental right to marriage to a subset of people to be judicial activism. Rooster, however, you are correct. I do consider the right to marry applicable to heterosexuals and homosexuals alike.

Rooster wrote, "Stated simply, marriage is a constitutionally-protected fundamental right. . . . Are homosexuals entitled to fundamental rights just like everyone else? Yes, of course." So here's my answer Rooster. If A equals B, and B equals C, then A must equal C. On the other hand, to use your words, if homosexuals are entitled to fundamental rights, and marriage is a fundamental right, *ergo*, homosexuals are entitled to marriage as a fundamental right. But that little bit of logic aside, there is great fault at work in the judge's reasoning in *In re Kandu*. By the court's logic, drunkenness and slavery are fundamental rights because they are deeply rooted in this nation's history and tradition. If, as you say, the Washington

case leans in the direction of an ultimate finding of no-marriage-for-gays, of what weight do you accord the Massachusetts case, or the actions of that pesky Mayor Gavin of San Francisco, or to Canada's affirmation of the right to homosexual marriage, or the Anglican Church in America? None, obviously.

The law aside, I disagree that marriage must be defined as "between one man and one woman." I believe that marriage is (gasp!) between two people who love each other (not related, of course). If we take the logic of the right to its illogical conclusion, we have no reason to limit the denial of marriage to two people with (in their oft-fundamentalist view) incorrect and/or incompatible genitalia. Why not limit marriage only to fertile couples of reproductive age? To the blonde of hair and the blue of eye? To the smart and thin? Or wait a minute. What if gay people got married but they didn't have sex with each other? Just two people in love. What then?

The better question Rooster, really, is what difference does it make? As so smartly captured in a *New Yorker* cartoon, a woman with bags packed, on her way out the door, says to her husband something to the effect, "Our marriage is fine, but gay marriage has ruined the whole institution." I mean honestly, are your taxes going to go up? Will you want suddenly to marry your dog? Will you go blind in one eye? Will people run for the hills because the gays next store are having a wedding? Lighten up, for Pete's sake.

The real picture is this: homosexuality threatens and scares people, so better to not let them band together. It's very easy to deny homosexuals equality because they *are* different from us vertebrate heteros. They're *queer*, or perverse, if you prefer the words of the bigoted Roane County High School principal. But she and Jeff Paycheck and Rooster Cockburn and the rest of the American people can scream all they want. It will not avail them, because we are a nation of laws, not men. (So better push through that "Defense" of Marriage Act before the gays ruin it for everybody!)

I, for one, read gay marriage right into the plain language of the 14th Amendment's equal protection guarantee, but maybe that's because I think gay men should run the world. Fear is the only reason to deny the institution that can make people happier, healthier, and live longer. When the religious right, or anybody else, takes the view that homosexuals should not wed, the only logical conclusion is they could care less about the health and happiness of an entire segment of the AMERICAN population.

The gay people in my life are the most upstanding, funny, virtuous, God-fearing, industrious and smart people I know. And they're in love. But the right claims marriage will collapse under the weight of the mockery if these people unite in matrimony. That being true, Professor Birzon, I suggest you get a bigger classroom because there is going to be a run on your divorce class. — Lora can be reached at loramerin@yahoo.com

Executions of juvenile offenders ruled unconstitutional

On March 1, the Supreme Court released its opinion in the landmark case of *Roper v. Simmons*. The case, argued back in October, dealt with the issue of whether the 8th and 14th Amendments prohibited the execution of offenders who were under the age of 18 when their crimes were committed.

This case involves the age old question of "evolving standards of decency", the benchmark by which all challenges to capital punishment are judged by. Following its decision in *Atkins v. Virginia*, the Court decided to revisit the issue of capital punishment for juvenile offenders. In *Atkins*, the Court held that the execution of mentally retarded offenders was unconstitutional. Its reasoning was that by definition, the mentally retarded are less culpable for their crimes because of their lessened capabilities in reasoning, judgment, and control of their impulses.

Opponents of juvenile capital punishment argue that these same traits of flawed, reasoning, judgment, and poor impulse control apply equally to juveniles. In the past, the Court ignored such arguments. In *Stanford v. Kentucky*, decided in 1989, the Court ruled that the execution of juveniles was not unconstitutional because a consensus of the states supported it. (22 of 37 death penalty states approved capital punishment for 16 year olds and 25 of 37 approved it for 17 year olds). Of course, the Court also ruled in favor of executing the mentally retarded the same day. (See *Penry v. Lynaugh*).

In revisiting these issues, the Court has concluded that a national consensus has formed against executing individuals who fall into one of these categories. The court also relied on international law and standards in making its decision, much like in *Atkins*.

Reblaw 11: The 2005 Rebellious Lawyering Conference at Yale

By Jenny Mills, '06

Members of the Progressive Law Society took a road trip to Yale to attend the annual Rebellious Lawyering conference. For three days in February, the downtown New Haven, Connecticut Yale campus is awash in a sea of activist law students. The conference provides panels on all sorts of issues of law, ranging from animal rights to voting rights for convicted felons.

Arriving on February 18th after a seemingly never-ending car ride from Buffalo, we arrived at Yale and went to a fascinating panel discussion on using video as advocacy. This panel included Hakima Abbas of WITNESS, an organization dedicated to using video and technology in the fight for human rights. The audience was shown video of prison abuse in the California Youth Authority and video of mental patients being abused and neglected in facilities throughout Mexico. WITNESS has done extensive documentary work throughout the world, in countries as far ranging as Kosovo, DRC, Gabon, and Kyrgyzstan. More information can be found about WITNESS at www.witness.org

After the first panel, we were left on our own for dinner, and then invited to attend a bar night at a Yale Law School favorite, Anna Liffey's Irish Pub. We ate dinner at some weird sort of pizza place where the menu was mostly unavailable, because as our toothless waitress told us, "The fryolater was done for the night." So we ate bad food and then went and drank bad beer at the bar night which couldn't hold a candle to any of the bar

nights we throw here.

The next day panels and workshops began in earnest. I separated from the PLS crowd who attended a workshop on Prison Rape Litigation, while I attended one on the status of the Alien Tort Claims Act (ACTA) after the recent ruling in *Sosa v. Alvarez-Machain*. Present on the panel were Professor Ralph Steinhardt, counsel to Alvarez-Machain, Rick Herz, an attorney with Earthrights International, and Zita Cabello Barrueto, the plaintiff in a landmark ACTA case, *Cabello v. Fernandez Larios*, in which she sued the death squad soldier who murdered her brother in Chile during the Pinochet coup in 1973. For more information on her story and lawsuit see: www.cja.org (Center for Justice and Accountability).

The second panel I attended was on Challenging the Constitutionality of the Juvenile Death Penalty. As you may have already figured out, the challenge was successful! The panel was headed by Steven Harper of the Juvenile Death Penalty Initiative and Marsha Levick, co-founder of the Juvenile Law Center. The panel was also supposed to include Jennifer Brewer, the attorney for Christopher Simmons, but she was unable to attend. The panel was interesting in that they focused not so much on the actual issue of juvenile executions, but the way in which they went about trying to challenge the constitutionality of them. Basically, they attacked the problem as being a juvenile law problem and not an abolition issue. While they received plenty of support from the abolitionist community

they kept them behind the scenes and focused solely on issues regarding juveniles' ability to reason, judge, and control their impulses. They said they were cautiously optimistic that they would win in *Roper v. Simmons*, and they did just that!

Perhaps the highlight of the conference, at least for a nerd like me, was the chance to have lunch with the panelists between the second and third panels. Attendees had to pay for their own lunches but the chance to have lunch with some of the panelists was absolutely priceless. I signed up to have lunch with the panel that most appealed to me, the Discussing Anti-Death Penalty Strategies panel. This panel was comprised of noted experts in the field, Professors Joseph Hoffman, Larry Marshall, Carol Steiker, Jordan Steiker, and Miriam Gohara of the NAACP Legal Defense and Education Fund. I sat on the end with Ms. Gohara and Professor Hoffman and enjoyed a fascinating conversation on the opt in protocol for the Antiterrorism and Effective Death Penalty and a whole bunch of other stuff I won't bore readers with. I was in nerd heaven.

The actual panel, after lunch was equally riveting, discussing the affect of the focus on the innocence movement on the push for abolition. There was an interesting conversation regarding whether or not the move to reform the death penalty undermines efforts to abolish it and how ironic it is, that most working for reform are in fact staunch abolitionists.

After that panel, I stopped in on a

panel regarding restoring the right to vote for convicted felons, but ran out fairly early in order to catch a cab back to the hotel. I was thoroughly exhausted and slept through the keynote speaker, Professor Paul Butler of George Washington University School of Law, who spoke on staying progressive in a conservative world and how rap and hip hop are vibrant social critiques of the American Criminal Justice system.

The overall feeling from participants at the conference was that it was an overwhelming success and PLS hopes to make the trip again next year.

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Wednesday, April 27th

at the

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Professor Finley Named Vice Provost for Faculty Affairs

BUFFALO, N.Y. — The appointment of Lucinda M. Finley, Frank Raichle Professor of Trial and Appellate Advocacy at the Law School, as UB's vice provost for faculty affairs was announced today by Satish K. Tripathi, the university's provost and executive vice president for academic affairs.

Finley, whose appointment was effective Feb. 1, "will be responsible for coordinating the faculty promotion/tenure review process, and creating and delivering services that assist in faculty retention, underrepresented faculty recruitment, faculty development, special faculty-hiring initiatives and faculty-recognition programs. In addition, the Center for Teaching and Learning Resources will report to the vice provost for faculty affairs."

"I am very pleased and excited to announce Professor Finley's appointment as vice provost for faculty affairs," said UB Provost Satish Tripathi. "Professor Finley's experience as a teacher, endowed chair, as well as her national prominence as a legal scholar,

has provided her with exceptional preparation for her new leadership role at the University at Buffalo."

Finley has been a Law School faculty member since 1990. In addition to her endowed professorship, the first ever given at the UB Law School, she has served since 1990 as director of the school's Baldy Center Program on Gender, Law & Social Policy; director of its legal research and writing program from 1993-96; director of the concentration in civil litigation from 1997 to the present, and faculty advisor to the Moot Court Program and director of National Moot Court Teams from 1998 to the present.

Her research and teaching have focused on torts; mass tort litigation; constitutional torts, including civil rights legislation; litigation practice; appellate advocacy, gender and the law; feminist jurisprudence, and reproductive rights.

Finley has served as a distinguished visiting professor at the DePaul University College of Law, a women's health policy fellow at the Center for Research on Women & Gender at the

University of

Illinois-Chicago, a fellow in the Bunting Institute of Radcliffe College and a visiting lecturer and Parsons Fellow at the University of Sydney (Australia) Faculty of Law. Prior to joining UB, she was associate professor of law at Yale University.

An active participant in litigation and legislative advocacy, Finley has argued several cases before the U.S. Supreme Court.

She is the author of numerous amicus curiae briefs, including a brief to the U.S. Supreme Court on behalf of several women's health and women's rights advocacy organizations, and has presented legislative testimony before U.S. Senate committees, the New York State legislature and the Connecticut legislature. Author of "Tort Law & Practice," Finley has written more than 20 articles and book chapters, and has lectured by invitation at more than 75 conferences, faculty workshops and law schools in the U.S., Canada,

Australia, Germany and Italy.

She holds a bachelor's degree in political science from Barnard College and a doctor of jurisprudence degree from Columbia University. —UB Newswire.

LAW SCHOOL NOTES

Congratulations to the Law School's ATLA (American Trial Lawyers Association) team, which recently took 1st place at the ATLA regional mock trial competition in Rhode Island. The team is now heading to the nationals!

Judge Thomas P. Franczyk reported that the Law School's ATLA team—including Dan Morris, Sarah Wesley, Mary Mogavero and Janine Sprague, principal coach, Joe Marusak impressed competition judges as they moved on from a field of 16 teams competing in the region.

The ATLA Nationals will be held in West Palm Beach, Florida, on March 17-20.

The Law School's team for the American Bar Association's National Appellate Advocacy Competition turned some heads at the San Francisco, California Regional February 24-26, but in the end, both teams came up short.

Professor Lucinda Finley led both squads in the national moot court competition. One team included this year's Desmond Moot Court winners Geoffrey Kaeuper and Leah Mervine. The other team included of three included Enam Hoque, Michael Mann and Amber Storr. Hoque & Mann were runner-up in the Desmond Competition, and Amber Storr's team received the award for Best Brief.

At the ABA competition, Mervine & Kaeuper lost to Seattle University Law School in the 4th Round of the competition. The team of Hoque/ Mann/ Storr lost to the Ohio State University Law School in the 3rd round of competition.

Each round was closer than the next and the rounds ultimately came down to the brief score which was submitted in mid-January.

Yearbooks are back! The Student Bar Association is working hard to craft a yearbook for the third years and will be available for purchase in May. The book will be hardcover and contain pictures of all three classes and LLM students as well as information about Law School clubs and journals. Don't miss your opportunity to buy this memorable book. Purchase yours soon!

Barrister's Ball

April 16, 2005

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Pick up Petitions: March 25th
Petitions Due: April 1st
Election: April 12th-13th



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April 12th & 13th

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For more information and Election rules visit www.ubsba.com

How Pat Buchanan Got This One Right.

By Justin Whittaker, '06

I personally never thought I'd see the day when *anyone* would make Pat Buchanan sound reasonable. That day has come and pigs are flying. Many of us know Mr. Buchanan as a member of the Nixon and Regan White Houses, an outspoken economic protectionist, and hardly an open-immigration man. Mr. Buchanan's assessments of the Bush administration's foreign policy ineptitude is frighteningly spot on however. Buchanan states on his website, *The American Cause*, that "after 9-11, an impatient George Bush decided to solve his Iraq problem by invading the country and ousting Saddam and the Baathists. Mission accomplished in three weeks. Bush triumphed. But our invasion, too, gave birth to an unanticipated insurgency that has now cost us 12,000 U.S. dead and wounded, and \$200 billion, with no end in sight." <http://www.theamericancause.org/a-pjb-050207-democracy.htm>. Buchanan states further that "we have unleashed forces that cannot be contained and we cannot control." *Id.* He is obviously correct.

President Bush stated in his oversimplistic and meaninglessly symbolic inaugural address that "we will persistently clarify the choice before every ruler and nation: The moral choice between oppression, which is always wrong, and freedom, which is eternally right We will encourage reform in other governments by making clear that success in our relations will require the decent treatment of their own peoples." From this heartwarming statement, one would imagine that the President imme-

diately got on the horn with President Mushareff of Pakistan, the Saudi Royal family, and Beijing putting them all on notice that their anti-democratic practices were now officially subject to the most strict of scrutiny. After all, Pakistan, Saudi Arabia, and China represent over two billion of the world's oppressed peoples. Surely United States' moral authority is merely days away from a firm presence in the Darfur region of Sudan as well. Not bloody likely.

Buchanan accurately asserts that "the president here is asserting a unilateral American right to interfere in the internal affairs of every nation on earth, without regard to whether these nations have threatened us or attacked us. Their domestic politics are now our concern, because if they are not democratic, we are not secure. Let it be said: This is a formula for endless collisions between this nation and every autocratic regime on earth and must inevitably lead to endless wars. And wars are the death of republics." <http://www.theamericancause.org/a-pjb-050126-endlesswar.htm>. It doesn't take a foreign policy genius to figure out that Mr. Buchanan is exactly correct here. Therefore, even the Bush team and its echo-chamber of supporters should be able to put two and two together. Instead of the sound of liberty on the march in the Middle East, what we have is a region which resents the meddling of the United States even more than it did before the ill-conceived invasion of Iraq. It is difficult to determine what the Bushies have learned from their litany

of international failures. It is simple, Mr. President: "intervention is not a cure for terrorism, it is the cause of terrorism." *Id.*

According to the "Bushies," militant Western ideology will surely triumph over militant Islamic ideology because it is in the heart of every man, woman, and child to strive to be free. This is the great lie of our time. The invasion of Iraq was never about weapons of mass destruction, 9/11, or the inherent right of liberty. These strawmen were merely justifications the administration anticipated the American public would accept, knowing full well that Iraq possessed no weapons or 9/11 ties – because, well, it didn't. This was the very point: Iraq would be *easy, because* it had no significant weapon systems or institutional ties to Islamic fundamentalism. The bumbling architects of the neoconservative agenda envision an all-powerful and permanent forward United States presence in the Middle East, thereby striking fear into despotic regimes creating a domino effect in the region. Of course the neo-con agenda hinged on the relative ease of the occupation of Iraq, which as we all know has proven mythical and terribly underfinanced, planned, and implemented. Surely the ideologues behind one of the most costly foreign policy debacles in history have all been given pink-slips – oh wait . . .

Buchanan likens the President's utopian and naïve vision with the arrogance of the failed Crusades, and fears that Bush's vision will result "in disillusionment for him and tragedy for his

country." *Id.* Clearly Bush, and the con-bots who parrot his every inane "misunderestimation" of history, fail to grasp this very simple concept, but instead prefer to dip their index fingers in purple ink, thereby keeping their already blind eyes and heads in the sand. Bin Laden did not order his own blind parrots to crash planes into New York because he hates "liberty," "freedom," and "peace." He did it because he hates our arrogant over-stepping policies in the Middle East. The invasion of Iraq was the best gift for which Bin Laden could ever hope, as he has now had his own hypocrisy and arrogance seemingly justified. By drawing the United States into endless conflict in a region which perceives the lies and rhetoric of Bush administration as what they are – modern imperialism – Bin Laden and his confederates now have an endless source of human capital from which to draw, and the United States has embarked upon an endless cycle of un-winnable wars, coupled with massive debt and hardship at home. Only a fundamental shift in policy at home and abroad can resolve the conflict envisioned by Mr. Buchanan. Hopefully the Bush team chooses to listen to one of its most loyal conservatives. — Justin Whittaker is a 2L columnist with the Opinion. He can be reached at pysch_rock@yahoo.com.

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LAW SCHOOL HOROSCOPES

By Tracey Stephen '06 (Law Student Extraordinaire & Psychic)

ARIES (March 20 - April 19):

Your logic in and out of the classroom is more well-grounded this month than most months, but this does not mean you should trust every thought that bounces into your head. Since you Aries are always specifically sensitive to your dreams, you may have to work hard in order to separate out the best ideas from your own imagined thoughts. Therefore give yourself enough time to consider the consequences of your actions before taking action.

TAURUS (April 20 - May 20):

This month, you can feel the storm clouds gathering and you know that something big is on the way as you get entwined into the whirlwind of law school. There is little that you can do to stop this energy from going through its motions. In fact, if you can get past your own fear of change, this period can be uplifting. As your feelings widen and deepen, this can impact your relationships and career prospects.

GEMINI (May 21 - June 20):

You are being pulled away from the logical realms of everyday life and into intuitive spaces both within the confines of the law school and in the "outside world." It is like you are downloading information directly into your mind without even connecting to the Internet. For many classes, your understanding and comprehension is much clearer than previous semesters. This experience of intuition and/or understanding can make you feel uneasy. Practice being a participant so that you don't become too entangled in your own thoughts.

CANCER (June 21 - July 22):

You can be more effective this month if you don't let your deepest thoughts and feelings flow over into every aspect of your life. This practice may bring about a bit of disconnection as you hold back from fully engaging with others. This practice isn't about being depressed or even discouraged; it's about being serious. Even if you don't have a lot to say now in class or in study groups, the ideas you have now will be coming later.

LEO (July 23 - August 22):

You won't be able to avoid your responsibilities this month, even if you feel they've been unfairly heaped upon you. It is okay, however, to share your concerns, for your logic is sound. Be serious if that's how you feel. Although you Leos know how to have a good time, you don't need to pretend that all is fun and games. Work hard now; play hard later.

VIRGO (August 23 - September 22):

At the beginning and the end of the semester, you Virgos do like having too much to do, even though you may never admit it. This month, however, you are less concerned with the idea of what you enjoy or don't enjoy. Instead, you just want to get things done. Your no-nonsense attitude comes in handy now as you put your nose to the grindstone, knowing that you'll do whatever it takes to get through the intensity of this month. Attend to the tasks at hand and you'll feel satisfied with your accomplishments.

LIBRA (September 23 - October 22):

You might think that people around you are flaking out and being irresponsible this month. Your tendency is to judge them harshly, but it's important to recognize that your judgment may actually be about yourself. Is there a part of you that wishes you could just walk away from a responsibility that you've accepted? Don't try to rationalize your feelings. And don't be so hard on others who are just doing what you really want to do yourself.

SCORPIO (Oct. 23 - November 22):

Use some of your legendary Scorpio intensity this month to focus your intent on what's most important to you outside the walls of law school. This is the time in your life when you will be able to see the effects of your actions in relatively short period of time. On a more practical level, take action toward your career goals using the knowledge you now possess. Remember, however, that you also need to have some fun this month or you won't be as effective on the in the classroom of studying on your own.

SAGITTARIUS (Nov. 22 - Dec. 21):

The craziness of the past few months, at least temporarily, is subsiding. The intense winds of change and high tides of feelings are becoming more manageable this month. But do not get too complacent, for this is not a permanent arrangement. It is the time for you to get yourself realigned and to figure out what to do next in your life. It's okay if you are confused or uncertain about what is around the corner. It will become clearer

as the semester winds down.

CAPRICORN (Dec. 22 - Jan. 19):

For your Capricorns it is going to be one of those head-versus-heart months, as you feel one thing but do something else. This may not be as bad as it sounds, for it is important to take other people's feelings into consideration. There may be no easy way to satisfy both sides of the equation this month. Remember to keep your own needs within your reach, as you analyze this equation.

AQUARIUS (Jan. 20 - Feb. 18):

You might have initiated so many things at the beginning of the semester that now you need to put some of your attention toward cleaning up after yourself. If this is the situation, do not waste energy this month being too self-critical. What's done is done. Anyhow, you may be better off in the long run by getting issues out into the open, even if feathers are ruffled in the process. Complete what you've started before moving on.

PISCES (February 19 - March 19):

A reality check may arrive from a fellow law student or law clerk this month and if you pay attention, you can gain a lot of insight from what you hear. If this person is hard on you, take it with a grain of salt, but don't ignore what's being said. Instead, think about it; use what's valid, and make the necessary changes to accomplish your own specific goals. Remember the saying, "keep your friends close and your enemies closer."

F1-VISA Law Students want summer jobs too!

By Clara Flebus, '06

Just like their American colleagues, International law students at UB Law School feel the pressure of finding a summer job. The Career Services Office stresses how important it is to enhance one's own resume, and strongly encourages every student to acquire "hands-on" experience in the legal field as soon as possible. Getting a glimpse at the world of real legal practice is so crucial that law students are often more than willing to volunteer for clerking jobs in court, legislative offices, public interest organizations, etc.

International students, however, should be cautious when making plans for their summer job.

Generally, F1-VISA status does not allow a student to work off-campus. The trickiest part of immigration regulations concerns what one might consider as "voluntary job," thus not subject to the off-campus restriction. Unfortunately, according to the immigration regulations, the fact that a student is offered an unpaid position does not qualify that job as voluntary work. "As long as a position takes away an opportunity from a US citizen and there is something to gain, even if not in monetary terms, it is considered to be just like a paid job, and therefore it is not allowed. Only dishing out soup at a homeless shelter would qualify under the regulations as truly voluntary work," says Eric Comins, advisor at the International Student & Scholar Services ("ISSS"), 210 Talbert Hall.

Where one might personally disagree with that interpretation of the regulations, it would be advisable that, for the time being, international students in search of a job take some precautionary

steps. Essentially, there are two different paths a student can take: Curricular Practical Training ("CPT"), and Optional Practical Training ("OPT").

CPT is an off-campus employment authorization enabling international students to take part in a practical training program required for their degree. UB Law School offers an array of training programs that can qualify for CPT, such as judicial clerkships, legislative externships, government externships at the US Attorney's and District Attorney's offices. CPT is necessary in order to apply for any of these programs. On the other hand, CPT will not be granted if the clerkship/externship is arranged by the student independently, and is not taken for credit towards the JD degree. CPT and clerkship/externship are, therefore, strictly correlated. "The new Federal laws enacted after 9/11 are constantly changing and we have to

change with them. International students who want information about clerkships and externships are strongly advised to come see me," says Donna McClellan,

who coordinates all the clerkship/externship programs, 606 O'Brian Hall. With regard to judicial clerkships, this year Dean Olsen has decided that they will be available for credit only to third year students. This new policy places additional limitations on opportunities for international students to work in court. Overall,

CPT is a good solution for international students wishing to work off-campus as part of the law school curriculum.

OPT is basically permission to work off-campus in a job related to one's area of study. It can be used for the Winter and Summer breaks, as well as for a part-time job during the semester. It may be granted for a total of 12

months. OPT applications are available at the ISSS office, and should be filed with the US Department of Homeland Security 90 days prior to the employment start date. What if one does not have a job lined up yet? A student can still apply by stating that he or she "intends to seek employment in a certain field." While OPT seems the perfect solution for a paid position, Mr. Comins says that it can be used for an unpaid job as well.

However, even with legal permission to work, finding a job remains a challenging task. The Career Services Office and the UB International Law Student Association (ILSA) have planned to organize a panel discussion on the topic of job searching strategies for international students. This event is expected to take place in March. Students interested in obtaining more information or joining ILSA should send an e-mail to UB_ILSA@yahoo.com.

—Clara Flebus is a 2L from Italy. She can be reached at cflebus@buffalo.edu.



Student Bar Association Executive Board Elections

Pick up Petitions:
March 25th

Petitions Due:
April 1st

Election Days:
April 12th-13th

The Docket



Who: **Law School Spring Break**

When: March 12-20

Scoop: Need we say more?

Who: **Petitions available for SBA Executive Board Elections**

When: March 25, 101 O'Brian Hall

Scoop: Calling all leaders, the SBA is a great way to build on those leadership skills and contribute to the Law School's governance.

Who: **Albert R. Mugel National Tax Moot Court Competition, hosted by the Buffalo Moot Court Board**

When: March 31-April 2

Scoop: One of the best tax competitions in the country, make sure to cheer on the two UB teams!

Who: **University of Virginia Law School Annual Softball Tournament**

When: April 1-3 at venues around Charlottesville, VA

Scoop: The SBA put together two teams to compete with other law schools across the country, get ready to root them on!

Who: **Medical School/ Law School "Mixer" sponsored by the SBA and the Medical Polity**

When: April 1

Scoop: No site set for this wild party, but a great chance to meet other professional students. Who knows, one day you might sue them!

Who: **SBA Casino Night**

When: April 5 at the Seneca Niagara Casino

Scoop: Leave your credit and ATM cards at home for this one, don't want to spend more than you actually have.

Who: **Students of Color Dinner**

When: Friday, April 8 at the Marriott Hotel in Amherst

Scoop: One of the premier events at the law school, wouldn't miss it and neither should you!

Who: **Barristers Ball 2005**

When: Saturday, April 16 at The Statler Hotel, Buffalo

Scoop: How can you miss the Law School prom? Be there or be square.